

DETAILED ACTION

1. The following is a **Non-Final Office Action** in response to the Request for Continued Examination filed on 07 April 2011. Claims 1 and 27 have been amended. Claim 28 was previously cancelled. Claims 8-10, 15-26 and 29-38 were previously withdrawn. Claims 1-27 and 29-38 are pending in this application. Claims 1-7, 11-14 and 27 have been examined on their merits.

Response to Arguments

2. Applicant's arguments, see Remarks, pgs. 11-20, filed 07 March 2011, with respect to claims 1-7, 11-14 and 27 rejected under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejection of claims 1-7, 11-14 and 27 under 35 U.S.C. 103(a) has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. The Applicant has presented the claim limitation "available first positions" in claims 1 and 27 (See Amendments to the Claims, pg. 2, claim 1; and pgs. 27-28, claim 27), wherein the only support found for this limitation has been found in newly presented claims 1 and 27 received by the Office on 03 March 2011.

4. Dependent claims 2-7 and 11-14 stand rejection under 35 U.S.C. 112, first paragraph for the same rationale set forth above.

Specification

5. The disclosure is objected to because of the following informalities:

The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same. The written description does not provide a clear and concise definition to the meaning of "available first positions" as recited in claims 1 and 27 (See Amendments to the Claims, pg. 2, claim 1; and pgs. 27-28, claim 27). See MPEP 37 C.F.R. § 1.71. Appropriate correction is required.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to robotic control.

U.S. Patent No. 5,040,056 discloses an apparatus and method for picking up and manipulating randomly oriented and randomly positioned objects moving on a belt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is (571)272-3694. The examiner can normally be reached on Monday-Friday between 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/JLN/

/ALBERT DECADY/
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